

CITY OF MAPLE RIDGE
Bylaw No. 7976-2023

A bylaw to regulate Council Conduct

WHEREAS Council Members are keepers of the public trust and must uphold the highest standards of ethical behaviour in order to build and inspire the public's trust and confidence in local government;

AND WHEREAS Council Members are expected to:

- a) make decisions that benefit the community;
- b) act lawfully and within the authority granted by the *Community Charter; Local Government Act* and other applicable enactments; and
- c) be free from undue influence and not act to gain financial or other benefits;

AND WHEREAS Council Members wish to conduct their business in a transparent, efficient, accountable and respectful manner;

AND WHEREAS Council Members intend to demonstrate their leadership in ethical behaviour, while promoting the principles of transparency, accountability, and civility through their decisions, actions and behaviour;

AND WHEREAS a Code of Conduct Bylaw expresses standards of conduct expected for members of City Council;

AND WHEREAS Council Members have primary responsibility for ensuring that the standards of conduct herein are understood and met, thereby fostering public confidence in the integrity of the government of the City of Maple Ridge;

NOW THEREFORE the Council of the City of Maple Ridge, in open meeting assembled, enacts as follows:

PART 1 – GENERAL

Citation

- (1) This Bylaw shall be cited as "Maple Ridge Code of Code Bylaw No. 7976-2023".

Purpose and Interpretation

- (2) This Bylaw sets out the rules Council Members must follow in fulfilling their duties and responsibilities as elected officials, and the powers and procedures of the Integrity Commissioner in exercising oversight over Council Members.
- (3) The Residents of the City of Maple Ridge are entitled to have a fair, ethical and accountable municipal Council that acts in the public interest, conducting its business with integrity and in a fair, honest and open manner.
- (4) The public expects that Council Members will adhere to the highest standards of professional conduct. Honesty, integrity, respect, transparency, leadership, collaboration, and accountability are the core ethical values reflected in this Bylaw. Council Members are expected to perform their functions of office faithfully and to the best of their knowledge and ability, in accordance with these core ethical values.
- (5) The provisions of this Bylaw are to be interpreted broadly and in a manner that is consistent with the *Community Charter*.
- (6) The intention of Council in enacting this Bylaw is not to stifle Council Members or to limit their ability to fully perform the governmental and advocacy functions that their position entails, with all the vigour, flair and freedom that is typical of a well-functioning democratic institution, but instead to guide Council Members to undertake those functions in a manner that accords with sound ethical principles.
- (7) Nothing in this Bylaw is intended to preclude Council Members, prior to the filing of a complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this Bylaw.
- (8) As an expression of the standards of conduct for Council Members expected by the City, this Bylaw is intended to be self-enforcing. This Bylaw therefore becomes most effective when Council Members are thoroughly familiar with it and embrace its provisions. For this reason, this Bylaw shall be provided as information to candidates for Council.

Definitions

- (9) In this Bylaw:

"Committee Member" means a person appointed to a committee, sub-committee, task force, commission, board, or other Council-established body under the *Community Charter* – Part 5, Division 4 – Committees, Commissions and Other Bodies, or the *Local Government Act*, but does not include a Council Member;

"Council Member" means the Mayor and Councillors for the City of Maple Ridge;

"FIPPA" means the *Freedom of Information and Protection of Privacy Act* (British Columbia);

"Integrity Commissioner" means the person appointed by Council to fulfill the duties and responsibilities assigned to that position as set out in this Bylaw;

"Resident" means any person who resides in the City of Maple Ridge;

"Staff" means an officer or employee of the City of Maple Ridge, but does not include contractors; and

"Volunteer" means a person who, without compensation, offers their time, skills or services to assist or support the activities, programs, or initiatives of the City or any of the City's affiliated entities.

Application

- (10) This Bylaw applies to all Council Members, inclusive of their actions in their capacity as members of various boards, committees, and other discretionary appointments.
- (11) For clarity, the provisions of this Bylaw apply without limitation to a Council Member's use of personal and professional social media accounts.

PART 2 – COUNCIL CONDUCT

Comply with all Laws

- (12) Council Members shall comply with all applicable federal, provincial and municipal laws in the performance of their public duties, including but not limited to:
 - (a) the *Local Government Act*;
 - (b) the *Local Elections Campaign Financing Act*;
 - (c) the *Community Charter*;

- (d) FIPPA;
- (e) the *Financial Disclosure Act*; and
- (f) all bylaws and policies of the City.

General Conduct

- (13) Council Members shall take the Oath of Office as required by the *Community Charter*, and shall uphold it for the duration of their term.
- (14) Council Members shall comply with the requirements established in the City's [*Respectful Workplace Policy*](#) and shall not engage with others, including Residents, Staff, Committee Members, Volunteers, and other Council Members, in a manner that is abusive, bullying, intimidating or derogatory.
- (15) Council Members shall not use their office to attempt to gain personal benefits for themselves, their family members or their friends.

Interactions with Staff

- (16) Council Members shall direct questions and inquiries regarding departmental issues to the Chief Administrative Officer ("CAO") and shall refrain from contacting Staff directly, unless the communication is minor and for the purpose of seeking administrative clarity, or the communication has been approved by the CAO.
- (17) Council Members shall not interfere with, hinder, or obstruct Staff in the exercise or performance of their roles, responsibilities, powers, duties, or functions, nor shall they impair the ability of municipal officers or Staff to implement Council policy decisions in accordance with section 153 of the *Community Charter*.
- (18) Council Members shall not request or require that Staff undertake personal or private work for or on behalf of a Council Member.
- (19) Council Members shall not request or require that Staff engage in political activities, or subject them to reprisal of any kind for refusing to engage in such activities.
- (20) Except as required by section 152 of the *Community Charter*, Council Members must not attempt to influence personnel decisions regarding the hiring, transfer, promotion, demotion, discipline, or termination of any Staff member. For clarity, this prohibition includes giving references to any person applying for a position at

the City and forwarding copies of an applicant's resume to any person hiring for any position at the City.

Interactions with the Public and Media

- (21) In an effort to promote respect and integrity for Council decision-making, Council Members shall not misrepresent the decisions of Council, even if they disagree with the decision.
- (22) Council Members shall refrain from making public statements disparaging other Council Members.
- (23) When presenting their individual opinions and positions, Council Members shall explicitly state that it is their own personal view and that they do not represent Council or the City in those views.

Conduct at Council Meetings and Attendance

- (24) Council Members shall prepare themselves for meetings, listen courteously and attentively to all discussions before the body, and focus on the business at hand. Council Members shall not interrupt other speakers, make personal comments not germane to the business of the body, or otherwise interfere with the orderly conduct of a meeting.
- (25) Council Members shall attend Council meetings in accordance with section 115(c) of the *Community Charter*.
- (26) Council Members who are unable to attend Council meetings for medical or other reasons shall, if they wish to seek the leave of Council to be absent for a period of time that would otherwise result in disqualification from office under section 125(5) of the *Community Charter*, provide information to Council to justify the absence, which may include a note from a medical professional indicating:
 - (a) that the Council Member has an illness or injury sufficient to keep them from adequately performing their Council duties; and
 - (b) the expected date upon which the Council Member may resume their Council duties.

Handling of Confidential Information

- (27) Council Members shall keep information and records prohibited from release under section 117 of the *Community Charter* in strict confidence.
- (28) Without limiting the generality of section 26, Council Members shall not disclose:
 - (a) information or records concerning the property, personnel, legal affairs, or other information of the City distributed for the purposes of, or considered in, a closed Council meeting;
 - (b) resolutions or Staff report contents from a closed meeting of Council unless and until a Council decision has been made for the information to become public; or
 - (c) details on Council's closed meeting deliberations or how individual Council Members voted on a question in a closed meeting.
- (29) Council Members shall not use confidential information to advance, directly or indirectly, their own personal, financial or other private interests.

Conflict of Interest

- (30) Council Members shall not participate in discussion of a matter, or vote on a question in respect of that matter, if they have a conflict of interest as per the *Community Charter*.
- (31) In respect of each matter before Council, Council Members shall:
 - (a) assess whether they have a conflict of interest; and
 - (b) determine whether it is necessary to seek independent legal advice at their own cost, except where the CAO approves the cost, with respect to any situation that may result in a conflict of interest.
- (32) If a Council Member believes that they have a conflict of interest in respect of a matter in a Council or Committee meeting, the Council Member shall:

- (a) prior to the matter's consideration, notify the Mayor or Chair of the meeting that they have a conflict of interest, stating in general terms why they consider that to be the case;
- (b) leave any meeting if the matter is discussed and not return until the discussion has ended or voting has been concluded;
- (c) refrain from discussing the matter with any other Council Member publicly or privately; and
- (d) refrain from attempting in any way to influence the voting on any question in respect of the matter.

Gifts

- (33) Council Members shall not accept a gift or personal benefit, except in accordance with section 105 of the *Community Charter*.
- (34) Council Members shall disclose a gift or personal benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter*.

Use of Public Resources

- (35) Council Members shall not use, or permit the use of, City land, facilities, equipment, supplies, services, property, employees or other resources for activities other than City business, unless the use or the permission is on the same terms and conditions that the land, facilities, equipment, supplies, services, property, employees or other resources are available to the general public.
- (36) Council Members shall not undertake municipal election campaign related activities at the City Office or on other premises owned by the City during regular working hours, unless such activities are organized by the City.

PART 3 – APPOINTMENT OF INTEGRITY COMMISSIONER

- (37) Council must appoint an Integrity Commissioner to undertake the duties and responsibilities set out in this Bylaw.
- (38) The appointment of an Integrity Commissioner must be for a set period of two years. An Integrity Commissioner may be appointed for more than one term.
- (39) At the request of the Integrity Commissioner, Council may suspend the appointment for a mutually agreed period of time.
- (40) Council will not terminate an Integrity Commissioner except for cause.
- (41) The appointment of an Integrity Commissioner may only be made, suspended, or terminated by a 2/3 vote of all Council Members.

Interim or Ad Hoc Appointment

- (42) The CAO may appoint an ad hoc Integrity Commissioner in the following circumstances:
 - (a) if the City has not yet entered into a contract for the appointment of an Integrity Commissioner;
 - (b) in the interim period between the expiry of the appointment of one Integrity Commissioner and the appointment of a new Integrity Commissioner; or
 - (c) if the appointed Integrity Commissioner is unable or unwilling to act.

Duties and Responsibilities

- (43) The duties and responsibilities of the Integrity Commissioner are as follows:
 - (a) provide advice and recommendations to a Council Member on questions of compliance with this Bylaw, where requested to do so by a Council Member;

- (b) provide advice and recommendations to a Council Member, regarding their compliance or disclosure obligations under a provincial statute, such as the *Financial Disclosure Act*, or other such statute that imposes an express compliance or disclosure obligation on the Council Member due to their position as an elected official, where requested to do so by a Council Member;
- (c) prepare written materials and content for the City's website for distribution to, and use by, the public, to aid in their understanding of the role of the Integrity Commissioner and the ethical obligations and responsibilities of Council Members under this Bylaw;
- (d) deliver educational programs regarding the role of the Integrity Commissioner and the ethical obligations and responsibilities of Council Members under this Bylaw;
- (e) adopt procedures, policies and protocols as necessary to aid in the resolution of complaints under this Bylaw;
- (f) assist with informal resolution of complaints;
- (g) receive and assess all complaints to determine if the complaint must be rejected, closed, resolved informally or investigated;
- (h) investigate and conduct inquiries into violations of this Bylaw;
- (i) report to Council as to whether a Council Member has breached this Bylaw;
- (j) make recommendations on an appropriate remedy if a Council Member has breached this Bylaw;
- (k) submit an annual budget for approval by Council; and
- (l) publish an annual report that includes a summary of the work of the Integrity Commissioner and any advice or recommendations that the Integrity Commissioner has to improve the text or operation of this Bylaw or any other policies, procedures or protocols governing Council Member's ethical conduct.

- (44) The Integrity Commissioner must perform the duties and responsibilities of their office in an impartial and independent manner.

PART 4 – COMPLAINT AND RESOLUTION PROCEDURES

Preliminary Steps

- (45) If a Council Member believes that they have observed another Council Member engaging in conduct that would breach this Bylaw, they must attempt to resolve the complaint directly with the other Council Member, if possible, prior to submitting a complaint under section 47.
- (46) If a Staff member, Committee Member or Volunteer believe that they have observed a Council Member engaging in conduct that would breach this Bylaw, and they wish to file a complaint, they must approach the Integrity Commissioner on a confidential basis and inform them of the alleged breach.
- (47) Upon receipt of the confidential information in section 45, the Integrity Commissioner may:
- (a) determine that no breach has occurred and inform the Staff member, Committee Member or Volunteer of that determination;
 - (b) attempt to address the alleged breach with the Council Member and, if the circumstances warrant, the Staff member, Committee Member or Volunteer; or
 - (c) request that the Staff member, Committee Member or Volunteer file a complaint in accordance with section 47.

Complaint Procedure

- (48) Subject to sections 44 to 46, a Council Member, Committee Member, Volunteer, or Staff member may submit a complaint to the Integrity Commissioner.
- (49) A complaint must be in writing, must be submitted within 60 days of the alleged breach, (or within 60 days of notification to the Integrity Commissioner under section 45 if applicable), and must include, with sufficient detail:
- (a) the name of the complainant;
 - (b) the name of the respondent Council Member(s);
 - (c) the conduct that the complainant alleges was in breach of the Code;

- (d) the date of the alleged conduct;
 - (e) the parts of the Code the alleged conduct breached;
 - (f) the basis for the complainant's knowledge of the conduct; and
 - (g) if a complaint is submitted by a Council Member, whether the Council Member attempted to resolve the complaint informally under section 44.
- (50) A complaint may be accepted notwithstanding that it does not comply with all of the requirements of section 48, if the Integrity Commissioner determines that there has been substantial compliance or if the circumstances otherwise warrant acceptance.
- (51) A complaint submitted outside the time limits set out in section 48 must be rejected, except that the Integrity Commissioner may grant an extension of no more than 30 further days if the circumstances of the complaint are sufficiently serious.
- (52) In an election year, complaints submitted from the first day of the nomination period to the general voting day must be accepted and held in abeyance until after the new Council has taken office. At that time, complaints shall only proceed if they relate to a Council Member who was re-elected in that election year. For certainty, if the Council Member who is the subject of the complaint is not re-elected, the complaint must be rejected. For further certainty, the rejection of a complaint under the Code of Conduct does not prevent Council from taking necessary civil action in relation to a matter that is the subject of a complaint.

Preliminary Assessment

- (53) On receipt of a complaint, the Integrity Commissioner shall conduct a preliminary assessment of the complaint or forward the complaint to the City's Solicitor to conduct a preliminary assessment. If the Integrity Commissioner determines that any of the following circumstances apply, then they must notify the complainant and respondent Council Member in writing that the complaint will be closed, stating the reasons for the closure:
- (a) the complaint is not with respect to a breach of this Bylaw;
 - (b) the complaint is frivolous, vexatious, or not made in good faith;
 - (c) the complaint would be more appropriately addressed through another process;

- (d) the complaint was not in compliance with sections 47 and 48, and the respondent Council Member will be prejudiced by the complainant's failure to comply;
 - (e) the complainant wishes to withdraw the complaint, and it would be appropriate to allow the complaint to be withdrawn;
 - (f) the complaint concerns the same subject matter as a previous complaint that has already been accepted under this section, and it is not necessary to expand that original complaint or add the new complainant;
 - (g) the complaint was submitted by a Council Member, and the Council Member ought to have first attempted to resolve the complaint informally under section 44; or
 - (h) there are no possible grounds on which to conclude that a violation of this Bylaw has occurred.
- (54) In making a determination under section 52, the Integrity Commissioner may request further information from the complainant before determining whether or not there are sufficient grounds for believing that a breach of this Bylaw may have occurred.

Criminal Conduct

- (55) If, at any stage in the complaint procedure, the Integrity Commissioner determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code*, or learns that there is an ongoing police investigation into the conduct that gave rise to the complaint, then they must immediately refer the matter to the appropriate authorities and suspend any investigation into the complaint until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to Council, the complainant, and the respondent Council Member.
- (56) For certainty, a complaint must be suspended while the respondent is on a mandatory leave of absence under section 109.3(1) of the *Community Charter*, and may be re-commenced only once the mandatory leave of absence ends pursuant to section 109.3(1)(b) of the *Community Charter*.

Disqualification Proceedings

(57) If, at any stage in the complaint procedure, the Integrity Commissioner determines that:

- (a) the subject-matter of the complaint is being addressed in a disqualification proceeding commenced under section 111 of the *Community Charter*; or
- (b) the complainant could commence a disqualification proceeding under section 111 of the *Community Charter* in relation to the matter that is the subject of the complaint

the complaint must immediately be suspended until the proceeding under subsection (a) has concluded or the time-period within which the complainant could commence a proceeding under subsection (b) has expired.

(58) If the Integrity Commissioner has suspended a complaint under section 56, they may re-commence the complaint upon the conclusion of a disqualification proceeding, or the time-period within which a disqualification proceeding could be filed has expired if:

- (a) the Council Member who is subject to the complaint has not been disqualified from office by the British Columbia Supreme Court; and
- (b) it would be in the public interest to do so.

Informal Resolution

(59) If the Integrity Commissioner determines that none of the circumstances in section 52 apply, they must then determine whether the complain requires a formal investigation or whether the complaint may be resolved informally.

(60) When determining whether the complaint may be resolved informally, the Integrity Commissioner:

- (a) may consider culturally appropriate or transformative or restorative justice approaches, and may engage a third-party mediator or facilitator qualified to apply these principles and assist in the informal resolution of the complaint; and
- (b) shall give a strong preference to the informal processes wherever possible.

- (61) Where the Integrity Commissioner has determined that the complaint may be resolved informally, the Integrity Commissioner may, at their discretion, either attempt to resolve the complaint directly, or refer the complaint to:
- (a) the Mayor, if the complaint is made by a Council Member, unless the complaint is against the Mayor, in which case the complaint may be referred to the Deputy Mayor; or
 - (b) the CAO, if the complaint is made by a Staff member, Committee Member, or Volunteer.
- (62) Where the Integrity Commissioner refers the complaint in accordance with section 60, the Mayor, Deputy Mayor or the CAO, as the case may be, may:
- a) agree to assist in resolving the complaint directly;
 - b) appoint a third party to assist in resolving the complaint; or
 - c) decline to assist.
- (63) A third party assisting in the informal resolution of a complaint will assess the suitability for settlement or resolution on an ongoing basis and may decline to assist at any point.
- (64) The complainant or respondent Council member may decline to participate in an informal resolution at any time.
- (65) If a complaint is resolved informally by a third party, the person assisting in resolving the complaint must notify the Integrity Commissioner in writing of the terms of the resolution, upon receipt of which, the Integrity Commissioner must close the complaint.
- (66) If the third party assisting in resolving the complaint determines at any time that the complaint cannot be resolved informally, they must refer the complaint back to the Integrity Commissioner for a formal investigation.

Formal Resolution

- (67) If the complaint is not rejected, closed or resolved informally within 45 days of the decision in section 58 to resolve informally, the Integrity Commissioner must proceed with a formal investigation.

- (68) The Integrity Commissioner shall deliver the complaint to the respondent Council Member, along with a request that the respondent Council Member provide a written response to the complaint, together with any submissions that the respondent Council Member chooses to make, within 10 days, subject to the Integrity Commissioner's discretion to reasonably extend the timeline.
- (69) The Integrity Commissioner may, at their discretion, deliver the respondent Council Member's written response and submissions to the complainant and request a reply in writing within 10 days, subject to the Integrity Commissioner's discretion to reasonably extend the timeline.
- (70) The Integrity Commissioner may:
 - (a) speak to anyone relevant to the complaint;
 - (b) review any documents relevant to the complaint, including closed meeting agendas and minutes; and
 - (c) access any record in the custody or control of the City, within the meaning of FIPPA, with the exception of records subject to solicitor-client privilege.
- (71) The Integrity Commissioner has discretion to conduct the investigation as they see fit, but must ensure that the investigation complies with the rules of procedural fairness and natural justice required in the circumstances of the complaint.

Adjudication and Reporting

- (72) The Integrity Commissioner must conclude the investigation and make a determination regarding the alleged breach within 90 days of making the determination to proceed with a formal investigation, unless the Integrity Commissioner determines that doing so is not practicable, in which case the Integrity Commissioner must notify the complainant and respondent Council Member of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days at a time on provision of written notice to the complainant and respondent Council Member.
- (73) If, after reviewing all the material information, the Integrity Commissioner determines that a Council Member did not violate this Bylaw, then the Integrity Commissioner shall:

- (a) prepare a written investigation report providing reasons for their determination, which shall include a determination of whether the complaint was submitted frivolously, vexatiously or in bad faith;
 - (b) deliver a summary of the investigation report to the complainant; and
 - (c) deliver a copy of the investigation report to the respondent Council Member and Council.
- (74) If, after reviewing all the material information, the Integrity Commissioner determines that a Council Member did violate this Bylaw, then the Integrity Commissioner shall:
 - (a) prepare a written investigation report providing reasons for their determination, which must include:
 - i. a summary of the factual findings of the Integrity Commissioner;
 - ii. an application of the Bylaw, and any other applicable law, to the facts;
 - iii. a recommendation of the appropriate sanction, subject to subsection (iv); and
 - iv. if applicable, a determination of whether the respondent Council Member took all reasonable steps to avoid the breach or whether the breach was trivial, inadvertent or due to an error in judgment made in good faith, in which case the Integrity Commissioner may recommend that no sanction be imposed;
 - (b) notify the complainant that the investigation is complete and inform them that the investigation report, or a summary thereof, will be subsequently released by Council in accordance with section 77;
 - (c) deliver a copy of the investigation report to the respondent Council Member; and
 - (d) 48 hours after the delivery of the investigation report to the respondent Council Member, deliver a copy of the investigation report to Council.

Final Determination by Council

- (75) Council must, within 45 days of the Integrity Commissioner's delivery of the investigation report, decide on the appropriate measures, if any, that are warranted by a breach of this Bylaw.
- (76) Prior to making any decision regarding the findings and recommendations set out in the investigation report, the respondent Council Member must be provided with

an opportunity, in person and in writing, to comment to Council on the Integrity Commissioner's determinations and recommendations.

- (77) While an investigation report may be considered in a closed meeting, if the circumstances warrant, when Council deliberates and votes on the Integrity Commissioner's recommendation, it will generally do so in an open meeting.
- (78) Within 30 days of receiving the investigation report under section 72(c) or section 73(d), Council must, subject to the City's obligations under FIPPA, release to the public the investigation report, or a summary thereof, along with a summary of Council's decision if applicable.

Remedies

- (79) Remedies that may be imposed by Council for a violation of this Bylaw include the following:
 - (a) a letter of reprimand from Council, addressed to the respondent Council Member;
 - (b) a request from the Council that the respondent Council Member issue a letter of apology;
 - (c) the publication of the letters contemplated in subsections (a) and (b), along with the respondent Council Member's response, if any;
 - (d) directions to the CAO regarding the method of providing documents that contain confidential information to the respondent Council Member;
 - (e) a recommendation that the respondent Council Member attend specific training or counselling;
 - (f) limitations on access to certain City facilities, equipment, or systems, so long as those limitations do not unduly limit the ability of the Council Member to perform their Council duties;
 - (g) prohibition from representing the City at events and/or attending conferences;
 - (h) suspension or removal of the respondent Council Member from the Acting Mayor rotation;
 - (i) public censure of the respondent Council Member; or
 - (j) any other sanction recommended by the Integrity Commissioner, so long as that sanction is within the authority of Council.
- (80) Council must consider the following factors when determining whether to impose a sanction on a Council Member:

- (a) the degree and nature of the conduct;
- (b) whether the contravention was a single or repeated act;
- (c) whether the Council Member knowingly contravened the Code;
- (d) whether the Council Member took steps to mitigate or remedy the contravention;
- (e) the Council Member's history of other contraventions; and

if applicable, the Integrity Commissioner's finding that the respondent Council Member took all reasonable steps to avoid the breach, or that the breach was trivial or done inadvertently or because of an error in judgment.

Remuneration

- (81) Where the Integrity Commissioner finds that a Council Member:

- (a) breached this Bylaw; or
- (b) submitted a complaint that was frivolous, vexatious, or made in bad faith,

the remuneration to which that Council Member would otherwise have been entitled shall be reduced in accordance with the *Council Remuneration Bylaw*, as amended from time to time.

- (82) Notwithstanding section 80, the remuneration of a Council Member shall not be reduced if the Integrity Commissioner makes a finding that:

- (a) the Council Member took all reasonable steps to prevent the breach;
- (b) the breach was trivial or inadvertent; or
- (c) the breach was because of an error in judgment made in good faith.

Confidentiality of Investigation

- (83) The Integrity Commissioner must make all reasonable efforts to process and investigate complaints in a confidential manner.

- (84) The Integrity Commissioner and every person acting under the Integrity Commissioner's instructions must preserve confidentiality with respect to all matters that come into the Integrity Commissioner's knowledge in the course of any investigation or complaint, except as otherwise required by law.

Obstruction

- (85) No Council Member, Committee Member, Staff member or Volunteer will obstruct the Integrity Commissioner in relation to the administration of this Bylaw or the investigation of a complaint. Without limitation, the following shall constitute obstruction:
- (a) uttering of threats against any person involved in the complaint or investigation;
 - (b) retaliation of any kind against a Staff member;
 - (c) destruction of relevant records or documents; and
 - (d) refusal to cooperate with the Integrity Commissioner.

Frivolous and Vexatious Complaints

- (86) Any person who is found to have obstructed the Integrity Commissioner, contrary to section 84, or who makes a complaint that is subsequently found to have been made in a deliberately frivolous, vexatious or malicious manner, or otherwise made in bad faith, will be subject to appropriate disciplinary action, which may include, but is not limited to:
- (a) in the case of Council members, sanctions and remedies described above in section 78;
 - (b) in the case of Committee Members, termination of the Committee Member's appointment;
 - (c) in the case of Staff, disciplinary action or termination of employment for just cause, as applicable; and
 - (d) in the case of any complainant, prohibition against filing a complaint under this Bylaw for a specified and reasonable period of time.

Reimbursement of Costs

- (87) A Council Member may make a request to Council for reimbursement of the costs of legal advice and representation in responding to the formal complaint process outlined in this Bylaw. If appropriate, after considering all of the circumstances, Council may resolve to reimburse legal fees reasonably incurred by a Council Member, provided that all of the following are met:
- (a) section 740 of the *Local Government Act* authorizes the indemnification;

- (b) the Council Member has not previously been found to have breached the Code;
- (c) Council, in its sole discretion, has agreed to indemnify the Member for the costs of legal advice and representation in responding to the Formal Complaint Process; and
- (d) the amount claimed does not exceed \$10,000.

READ a first time the 12th day of December, 2023.

READ a second time the 12th day of December, 2023.

READ a third time the 12th day of December, 2023.

ADOPTED, the 27th day of February, 2024.



PRESIDING MEMBER



CORPORATE OFFICER